

**ANNUAL REPORT
OF THE
COMMISSION ON COURTS**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

December, 2000

INDIANA LEGISLATIVE COUNCIL

2000

Speaker John Gregg

Chairman

Sandborn

Senator Robert Garton

Vice-Chairman

Columbus

Representative Paul Mannweiler

Indianapolis

Senator Richard Young

Milltown

Representative Mark Kruzan

Bloomington

Senator Harold Wheeler

Larwill

Representative Dale Grubb

Covington

Senator Joseph Harrison

Attica

Representative William Cochran

New Albany

Senator Patricia Miller

Indianapolis

Representative Charlie Brown

Gary

Senator Thomas Wyss

Fort Wayne

Representative Jeffrey Linder

Waldron

Senator James Lewis

Charlestown

Representative Richard Mangus

Lakeville

Senator Earline Rogers

Gary

Philip J. Sachtleben
Executive Director
Legislative Services Agency

COMMISSION ON COURTS

Membership Roster

Senators

Richard Bray, Chairperson
Martinsville

David Ford
Hartford City

William Alexa
Valparaiso

Timothy Lanane
Anderson

Representatives

Robert Kuzman
Crown Point

Dale Sturtz
LaGrange

Ralph Ayres
Chesterton

Kathy Richardson
Noblesville

Lay Members

Randall Shepard
Indianapolis

Ernest Yelton
Brazil

William Overdeer
Columbia City

C. Joseph Anderson, Jr.
Terre Haute

Sarah Taylor
Indianapolis

Staff

George T. Angelone
Attorney for the Commission

Mark Goodpaster
Fiscal Analyst for the Commission

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES

In 1991, the Indiana General Assembly enacted IC 33-1-15-7 directing the Commission to annually do the following:

- (1) Review and report on all requests for new courts or changes in jurisdiction of existing courts.
- (2) Conduct research concerning requests for new courts or changes in jurisdiction of existing courts.
- (3) Conduct public hearings throughout Indiana concerning requests for new courts or changes in jurisdiction of existing courts.
- (4) Review and report on any other matters relating to court administration that the Commission determines appropriate, including court fees, court personnel, salaries of court officers and personnel, jury selection, and any other issues relating to the operation of the courts.

In 2000, The Legislative Council assigned the following additional responsibilities to the Commission in Legislative Council Resolution 00-1 (Adopted May 25, 2000):

- (1) Study the fiscal impact of trial costs on county budgets.
- (2) Study the financing and expenses associated with the operation of city and town courts.

II. INTRODUCTION AND REASONS FOR STUDY

The General Assembly and the Judiciary are separate and co-equal branches of government. The Commission on Courts was established to give the General Assembly adequate time to study legislative proposals that will affect the Judicial Branch.

The Indiana Association of Cities and Towns, the Association of Indiana Counties, and others asked members of the General Assembly to study the financing of trial courts, including city and town courts. The methods by which court operations are funded are established by statute. Under that scheme, if insufficient funds are otherwise provided to operate a trial court, funding must be supplied through the use of property tax revenues to fund the court. Because of property tax controls, political subdivisions are not allowed to raise property taxes to replace revenues devoted to court operations.

III. SUMMARY OF WORK PROGRAM

Before the first meeting of the Commission, the Chairman sent a letter to each state legislator asking what proposals for new courts and court officers the legislators wanted the Commission to study. The Commission received a number of requests.

The Commission met five times. In its first meeting, the Commission established a work plan for the interim. The Commission also took testimony concerning the ongoing pilot project sponsored by the Supreme Court concerning the organization of courts as family courts.

In the second meeting, the Commission heard a report from Justice Sullivan on the

ongoing J-TAC technology project sponsored by the Supreme Court. Additional testimony on this topic was received in the fifth meeting. The Commission also heard testimony in the second meeting on the issues assigned to the Commission by the Legislative Council. The Commission continued to take testimony on these issues in the third, fourth and fifth meetings.

In the third meeting, the Commission heard testimony concerning the need for legislation to increase judicial salaries. The Commission received testimony concerning the need for additional funding for the public defender fund. The Commission received testimony concerning the need to increase the jurisdictional limits of the city and town courts in Lake County in the third and fifth meetings.

In the fourth meeting, the Commission heard testimony concerning the need for additional courts and court officers. The Commission heard testimony concerning the need for changes in the public records laws applicable to jury pool names, the desirability to convert certain county-paid court positions to state-paid positions, and the need for additional state funding for criminal courts that operate as drug courts.

In the fifth meeting, the Commission received additional testimony on the need for additional judicial officers, the need for additional state funding for drug courts, the need to stagger the terms of judges in Porter County, and the desirability of making applications for the position of magistrate public records. The Commission also adopted its recommendations and a final report at this meeting.

IV. SUMMARY OF TESTIMONY

Additional Courts and Court Officers

Lilia Judson, Executive Director of the Division of State Court Administration of the Supreme Court, presented a status report on the latest weighted caseload study. In a table entitled "Relative Severity by Highest to Lowest Weighted Caseload Measures-County Report" the report indicates that Howard County, LaPorte County, and DeKalb County are among the counties with the most severe need for additional court personnel. She indicated that the Division is working with judges to revalidate the formulas used in the weighted caseload study for future reports. The Commission received the following testimony concerning courts in LaPorte County, DeKalb County, Henry County, and Howard County:

LaPorte County

Sen. Anita Bowser requested that an additional magistrate be added to the LaPorte court system. She distributed a letter supporting the request. Sen. Bowser pointed out that the Weighted Caseload Study of the Division of State Court Administration supported the need for additional court personnel.

DeKalb County

Judge Kevin Wallace, DeKalb Superior Court, and Judge Paul Cherry, DeKalb Circuit Court, testified in support of adding one superior court judge in DeKalb County. Judge Wallace indicated that a new judge would replace a part-time small claims referee serving the DeKalb Superior Court. He said that the 1998 weighted caseload statistics prepared by the Division of State Court Administration of the Supreme Court indicate that DeKalb County has a need for additional court officers. He indicated that the county has completed the remodeling of the court house to provide space for the additional court. He provided letters from the county commissioners, the county council, and the local bar association supporting the proposal.

Henry County

Judge H. Terrill Harvey, Judge of Henry Superior Court No. 2, submitted information supporting his request for authority to appoint a small claims referee. He indicated that the referee was needed to meet the county's goals for equalizing caseloads among the courts in the county. If the county receives authority to appoint a small claims referee, the county intends to eliminate the position of commissioner. Judge Harvey suggested that the language be drafted similarly to the small claims referee language applicable to the DeKalb and Whitley superior courts. Sen. Gard indicated that she supported the request.

Howard County

Jim Martin and Bill Midge appeared on behalf of the Howard County Bar Association. They submitted letters indicating that the Bar Association, the judges of the Howard Circuit and Superior Courts, and the Howard County Board of Commissioners supported the proposal to add one judge to the superior court in Howard County. Rep. Jim Buck and Rep. Ron Herrell indicated their support of the court request from Howard County. Mr. Martin stated that all of the members of the Howard County Council who are running for re-election were polled. A majority of the members indicated support the proposal. The county attorney was also contacted and he indicated his support for the proposal. Mr. Martin indicated that there is ample building space for another courtroom in Howard County. Mr. Martin also noted that the Weighted Caseload Study points out the severe need for additional court officers in Howard County. Rep. Jim Buck and Rep. Ron Herrell indicated their support of the court request from Howard County.

Family Courts

Rep. Phyllis Pond requested that the Commission consolidate in the Allen Circuit Court all family court functions currently handled in the circuit and superior courts in Allen County

Ms. Nancy Gettinger, Director of GAL/CASA in the Division of State Court Administration, at the request of the Commission, gave a status report on the Family

Court Pilot Project being conducted through the Division of State Court Administration. She explained that the Project was organized under the direction of the Supreme Court and with the advice of an advisory panel of trial judges. Eight counties made written applications to participate in the Project. After a very comprehensive review procedure three counties were selected to participate: Johnson County, Monroe County, and Porter County. The Project has operated for one year. The Project will continue for one additional year. At the conclusion of the Project, the Supreme Court will evaluate the results of the Project and make appropriate recommendations.

Ms. Gettinger indicated that the objective of the Project is to focus on family law cases on a family-by-family basis rather than a case-by-case basis. The Project is organized around the following principles:

- (1) Expanded jurisdiction of courts to include custody, visitation, juvenile, probate, protection, and criminal cases affecting families.
- (2) Coordination of family court litigation through specialized case management and the use of a "one-family-one judge" model or a "one-family-one-team" model.
- (3) Informed decision making by insuring notice to the judge of other relevant family litigation as well as family history, assessments, and evaluation.
- (4) Increased use of alternative dispute resolution.
- (5) Facilitating and coordinating service delivery for families and children.
- (6) Monitoring court orders for compliance and needed modification.

All of the selected courts hear abuse and neglect, termination of parental rights, delinquency, paternity, divorce, mental health, guardianship, adoption, protective orders, and some criminal cases relevant to the family situation. Monroe County and Johnson County are using the one-family-one judge approach. Porter County is using a team approach. The courts participating in the Project can be selective in determining which family cases to include in the Project.

Justice Frank Sullivan noted that funding for the project has been included in the budget request submitted by the Supreme Court to the State Budget Agency. The Court intends to expand the number of counties participating in the Project. Ms. Gettinger noted that the Court is not ready to make recommendations on how family courts ought to be organized. She indicated that it is possible that at the conclusion of the study, the Court will determine that the family court concept could be implemented without the enactment of additional legislation.

Mr. Jeffrey A. Bercovitz, Probation/Juvenile Director, Indiana Judicial Center, provided the Commission with a copy of a report entitled "Report on the Study of the Allen County Family Relations Alternative Dispute Resolution Plan" (December 9, 1999) Both he and Ms. Gettinger noted that the Alternative Dispute Resolution Project in Allen County is not part of the Family Court Project being administered by the Division of State Court Administration.

Financing & Expenses Associated with the Operation of City and Town Courts

Senator Marvin Riegsecker testified that the City of Goshen brought the issue of city and town court funding to his attention. He said the City has incurred a \$150,000 deficit in the operation of its court. Goshen has seriously considered eliminating the court. Judge Paul Sterreth, Judge of the Mooresville Town Court, noted that city and town courts provide a number of benefits. They handle cases that would otherwise crowd the dockets of county courts and allow litigants to resolve disputes without driving great distances to the county seat. He noted that the problems of city and town courts are often neglected by state and county officials, including other judges. Judge C. J. McGregor, Goshen City Court, also noted that city and town courts are a source of local pride, provide for convenient access to the courts for local law enforcement officers, and allow communities to administer justice in a way that is focused on the unique needs of the community being served. She said that the Goshen mayor is very concerned about the cost of operating the court.

Matt Brase from the Indiana Association of Cities and Towns distributed financial data for 14 city courts and two town courts. Judge Joe Christle, Wabash City Court Judge, indicated that the issue involves how court fees are distributed. He noted that all of the expenditures for operating the court are borne locally but the state and the county receive a substantial share of the income. He suggested that it was unfair for the city or town taxpayers to bear the burden of covering the deficit.

Judge Linda Wolf, Muncie City Judge, indicated that her court handles more than 2,000 cases each year. She indicated that city officials are very interested in generating a profit from the operation of a city court. She said the disputes over the court's profit making ability make the court appear unethical. She concurred that a late fee for the collection of court fees after a due date set by the court is justified as a result of the costs of collection. She also suggested imposing a \$25 court fee for a Class D infraction and giving a city or town court \$5 of the fee.

Mr. Anderson, a member of the Commission, said that the city courts in Vigo County were not having a problem with finances. Mark Goodpaster, Fiscal Analyst for the Commission, presented information to the Commission indicating that about one-half of the city and town courts deposited more revenues in the general fund of the city or town where the court was located than the court expended to operate.

Judge Donald Phillippi, presiding judge of the Anderson City Court and President of the Indiana City and Town Judges Association, suggested that the figures reported by Mr. Goodpaster may not accurately reflect the expenses incurred by city and town courts. Matt Brase, Association of Cities and Towns, indicated that their association will work with judges to provide better data on the revenues and expenses associated with operating these courts. He noted that despite the lack of fully accurate data, it is clear that some courts are having difficulty funding their operations.

Judge Lonnie Randolph, East Chicago City Court, urged the Commission to increase the civil jurisdictional limit for tort and contract cases filed in the city and town courts in Lake County. He suggested that they be raised to the same level as the small claims courts in Marion County, which is \$6,000. He suggested that changes in the jurisdiction of city courts are needed to insure that enough cases are filed in city court to make

them fiscally sound.

Fiscal Impact of Trial Costs on County Budgets

Mark Goodpaster, Fiscal Analyst for the Commission, presented several reports on the sources and uses of court fees. Court fees, other than user fees, that are generated in a court operated by a county are split between the state, the county, and cities and towns on a 70%/27%/3% basis. Court fees, other than user fees, generated in a city or town court are shared by the state, the county, and cities and towns on a 55%/20%/25% basis. He indicated that the share of fees transferred to the state does not exceed the amount that the state provides for the operation of the court system. Sarah Taylor, Marion County Clerk, noted that the cases that cost the least to process provide a disproportionate share of court fee income.

Travis D. Worl made a presentation to the Commission on behalf of the Association of Indiana Counties. He indicated that county expenditures for court services are rising at a higher rate than the rate at which available property tax revenue, which is capped by state law, is rising. The fees retained by the county do not cover the operating deficit. Local option income tax revenues are being used in some counties to fund court operations. Mr. Worl indicated that counties have very little practical power to limit court expenditures. He stated that the Association of Indiana Counties has established a joint committee with the Indiana Judges Association to look for potential solutions to this problem. Options previously or currently being studied by the committee include the following:

- (1) Fiscal home rule.
- (2) Redistribution of court fees at more equal percentages.
- (3) A nonproperty tax levy to fund the courts.
- (4) A property tax levy outside the property tax cap to fund the courts.
- (5) Full state funding of the court system.

Mr. Overdeer and Rep. Richardson, both members of the Commission, observed that counties see the courts as separate from other county employees. For example, the courts many times have different pay schedules, operating hours, and holiday schedules from other county employees. These differences can be frustrating.

Betty Lou Jerrel, Vanderburgh County Commissioner, testified that Vanderburgh County has formed a committee and hired a consultant to review and manage the problem of court related costs, including the costs of housing prisoners waiting for trial. She commended the local judges for cooperating with this effort. The effort has resulted in significant savings. However, even with this major commitment to prudent fiscal management, the costs of running the court system are rising at a rate faster than the County revenue available to fund the courts. She indicated that the County has already tapped 50% of its county option income tax revenue to fund courts. She noted frustration with the fact that courts use employment practices that differ from the employment practices applicable to other county employees.

Larry Landis, Director of the Public Defender Council, reported on the state of the public defense fund. He indicated that the fund is used to reimburse participating counties for

expenditures made to provide attorneys to indigent persons accused of a crime. He said that \$2,400,000 is annually set aside from court fees for this fund. This amount is inadequate to meet projected claims for this year. He indicated that it is unlikely that claims will diminish in future years.

Funding for Allen County Drug Court

Sen. Charles Meeks expressed his support for the Allen County Drug Court request. Sen. Meeks explained that the Allen Superior Court has designated Judge Kenneth R. Scheibenberger's court to handle drug cases. The court coordinates the delivery of a higher level of services and supervision to aid offenders in rehabilitating themselves. He noted that this concept is having considerable success and may, in some cases, be a less expensive and more effective alternative to incarceration. The issue is that the approach shifts the costs of treatment and supervision from the state Department of Correction to the county. He suggested that the state consider funding the additional expense to the court.

Judge Kenneth R. Scheibenberger, Judge of the Allen Superior Court, Criminal Division, said his court needed between \$230,000 and \$300,000 per year to operate the program. He noted that the program has been shown to be effective in Indiana and other states to reduce recidivism, reduce inmate populations, and improve the chances that the offender will become a productive citizen. He said that the program was started with a grant from the federal government. This grant expires this year. He has funds from various sources to continue the program through 2001. However, continued local funding after 2001 is problematic. He noted that 11 courts in Indiana operate a drug court program. Sen. Alexa, a member of the Commission, noted that the Supreme Court has asked for funds to provide grants to drug court programs. He said that the Supreme Court program would be a statewide effort.

Funding of Marion Superior Court County-Paid Commissioners as State-Paid Magistrates

Judge Gerald Zore requested that the Commission endorse a proposal to convert 19 commissioners employed by the Marion Superior Court to full-time, state-paid magistrates. He indicated that the Marion Superior Court employs magistrates that are fully state-funded and commissioners that are fully county-funded. The proposal would:

- (1) ensure that magistrates and commissioners serving the Marion Superior Court would receive equal pay for equal work; and
- (2) free up county money that could then be used to fund:
 - (A) necessary building security measures;
 - (B) additional probation officers needed to meet state guidelines for probation services;
 - (C) staff for a new superior court room authorized by the General Assembly in a prior session; and
 - (D) other necessary staff.

Judge Patricia J. Gifford, Presiding Judge of the Marion Superior Court, urged the Commission to support the request.

J-TAC & AIMS Initiatives

Justice Frank Sullivan reported on the status of the J-TAC and AIMS technology projects initiated by the Supreme Court. J-TAC stands for "Judicial Technology and Computerization Commission". It is a successor project to the AIMS technology project. The goal of the J-TAC Project is to provide compatible computerized case management systems, e-mail, and Internet services to courts, county clerks, and to other persons who rely on data generated by the courts. Trial courts have been asked to place a moratorium on new computer and software purchases until the study is complete.

Judge Paul Mathias, Vice-Chairman of the Supreme Court's Committee on Technology, reported that the Supreme Court included funding for this Project in its budget request to the State Budget Agency. The funds would be given as grants to trial courts to upgrade their technology. He indicated that there has been discussion of funding this initiative with an increased court cost fee. If, excluding small claims cases, a fee of \$6 were imposed to fund technology, sufficient money could be raised to support the projected funding needs in the current biennium. He stated that the Supreme Court has not taken a position on how the initiative should be funded.

Judicial Salaries

Judge Mary Lee Comer, Hendricks Superior Court No. 1, made a presentation on behalf of the Indiana Judges Association. She is currently president of the association. Judge Comer showed a video entitled "The Faces of Indiana Justice". She urged the Commission to support an increase in judicial salaries. She said that judicial salaries had not increased since 1995. She suggested that competitive salaries are needed to attract and retain good judges.

Public Availability of Magistrate Applications

Stephen A. Key, Hoosier State Press Association, pointed out that IC 33-4-7-3.5 makes the files of applicants for appointment as a magistrate confidential. He indicated that IC 33-4-7-3.5 was enacted as part of the courts bill in 1999. Before the enactment of this statute, the practice was to disclose applicant names. He said that disclosure furthers the public interest in knowing that the selection of magistrates is not driven by inappropriate relationships. Chief Justice Shepard pointed out that IC 5-14-3-4 made disclosure of personnel applications discretionary.

Reaffirmation of Recommendations Made in 1999

The Commission reviewed the recommendations that the Commission adopted in 1999 and compared the recommendations to the laws enacted in the 2000 Session of the General Assembly. The Commission heard testimony concerning the continuing need

to enact the following two recommendations that were not enacted in the 2000 Session:

Public Availability of Jury Lists

Rep. Ayres, a member of the Commission, explained that in 1999 the Commission approved a proposal to make jury lists public records in Lake County and all other counties. It would allow judges to keep the list confidential if the judge believes disclosure would either endanger the safety of potential or selected jurors or lead to jury tampering. He said that he introduced the proposal as HB 1400 in the 2000 Session of the General Assembly. Stephen Key, Hoosier State Press Association, stated his belief that public access to jury lists is important because it allows the public to monitor the jury selection process. Mr. Key stated that the practice in most counties is to make jury lists publicly available.

Conversion of Partially County-Paid Juvenile Magistrates to Fully State-Paid Magistrates

Rep. Ayres, a member of the Commission, urged the Commission to reaffirm its support for the conversion of paid juvenile magistrates to state-paid magistrates. He noted that last year's Commission proposal was introduced in the 2000 Session as HB 1401. Rep. Ayres indicated that Porter County is having difficulty finding money to fund the position of juvenile magistrate. It may be eliminated if the state does not provide additional funding.

Staggering of Terms of Office in Porter County

Sen. Alexa, a member of the Commission, indicated that the terms of the judges expire on a rotated basis in Porter County. The terms of two judges expire this year, three more expire in 2002, and one expires in 2004. He suggested that two terms ought to expire every two years. He suggested that the term of the judge of Porter Superior Court No. 4 be extended for two years to stagger the terms. Rep. Ayres, a member of the Commission, indicated that the judges in Porter County do not all concur with this approach. He indicated that the judge of Porter Superior Court No. 1 has agreed to run in 2002 for a two year term and then run in 2004 for a normal six year term. This approach would accomplish the same result.

V. COMMISSION FINDINGS AND RECOMMENDATIONS

The Commission made the following findings and recommendations:

Appreciation of Service

Findings: The Commission finds the following:

- (1) William Overdeer and C. Joseph Anderson, long-time members of the Commission, are retiring because they are not running again for the office that qualified them to be members of the Commission.
- (2) Both members have been made significant contributions to the

deliberations of the Commission.

Recommendations: The Commission recommends that the Chairman of the Commission write a letter on behalf of the Commission thanking Mr Overdeer and Mr. Anderson for their years of service.

Additional Courts and Court Officers

Findings: The Commission on Courts makes the following findings concerning the need for additional courts and court officers.

- (1) In 1999, the Commission on Courts recommended that the General Assembly address the need for additional court officers after considering the judicial district and county case load management plans that are under consideration by the Supreme Court.
- (2) The Commission finds that judicial district and county case load management plans have been approved by the Supreme Court for each county.
- (3) The case load management plans have not fully alleviated the need for additional judicial personnel.
- (4) Based on the 1999 weighted caseload statistics prepared by the Division of State Court Administration of the Supreme Court, DeKalb County, Howard County, and LaPorte County are among the ten counties with the most severe need for additional court officers.
- (5) The case load management plan for Henry County contemplates the addition of a small claims referee in Henry Superior Court No. 2 to alleviate a backlog of small claims cases in that court and the elimination of a county paid commissioner. IC 33-5-2.5-1 governs small claims referees and suggests that a statutory grant of authority is needed to authorize a court to establish the position. No statutory change is needed to authorize Henry County to eliminate the position of commissioner.
- (6) The Commission finds that there is substantial local support for additional courts in DeKalb County and Howard County, including support from the local bar associations, the county commissioners, and the county councils of those counties.
- (7) The DeKalb Superior Court judge indicates that the Court is willing to eliminate the position of small claims referee if a second superior court is created in DeKalb County.

Recommendations: The Commission on Courts recommends the following additional courts and court officers:

- (1) One additional superior court in DeKalb County.
- (2) One additional superior court in Howard County.
- (3) One additional full-time, state-paid magistrate to be shared by the circuit and superior courts in LaPorte County.
- (4) One part-time small claims referee for Henry Superior Court No. 2.

In addition, the Commission recommends that the position of small claims referee in the DeKalb Superior Court be terminated.

Financing & Expenses Associated with the Operation of City and Town Courts

Findings: The Commission makes the following findings:

- (1) City and town courts provide a number of benefits to a community, including convenience to its citizens and removal of a substantial number of cases from the dockets of circuit, superior, and county courts.
- (2) City and town courts are funded through local appropriations.
- (3) The State does not make a direct contribution to the operation of city and town courts but makes a contribution to other related services including the operation of the office of prosecuting attorney and community corrections.
- (4) Local funding for city and town courts in some communities exceeds the city or town's share of court and user fees retained by the city or town courts serving the communities. The deficit is funded primarily from property tax revenues.
- (5) The number of communities running a deficit and the amounts of the deficits are difficult to determine because of the lack of uniform procedures and standards for reporting court revenues and expenditures.
- (6) A small increase in revenue received by cities and towns from court and user fees would provide substantial relief to those communities that have insufficient revenue to operate a court.
- (7) Any increase in court and user fees must uniformly apply to cases in all courts in order to avoid forum shopping and unfairness to litigants.
- (8) Any additional fees imposed by a court should be paid to the general fund of the jurisdiction that the court serves in order to avoid the appearance that the court is imposing fees in a self-interested manner.

Recommendations: The Commission recommends that city and town courts, as well as circuit, superior, and county courts that handle criminal, infraction, and ordinance violation cases be authorized to collect a late payment fee when fines, civil penalties, or court fees are not paid in a timely fashion. The full amount collected from late payment fees should be deposited in the general fund of the jurisdiction generating the fees.

Funding for Drug Courts

Findings: The Commission finds the following:

- (1) The development of drug courts to deal with non-violent drug offenders has the potential to reduce recidivism, reduce inmate populations, and improve the chances that the offender will become a productive citizen.
- (2) The Supreme Court has submitted a proposal to the State Budget Agency seeking funding for a state-wide initiative to provide grants to counties that operate a drug court.

Recommendations: The Commission recommends that the General Assembly

fund the Supreme Court drug court grant initiative in the amount of \$300,000 per fiscal year.

Judicial Salaries

Findings: The Commission makes the following findings:

- (1) Judicial salaries are set by statute.
- (2) The statute setting judicial salaries has not been amended since 1995.
- (3) An increase in the salaries of judges is needed to continue to attract high quality candidates for these positions.

Recommendations: The Commission recommends the following:

- (1) Subject to findings (2) and (3), the state share of judicial salaries should be set as follows:

<u>Court</u>	<u>Proposed Salary</u>
Circuit, superior, municipal, county, & probate court	\$105,000
Judge of the Court of Appeals	125,000
Justice of the Supreme Court	130,000

- (2) The above amounts are to be in addition to the \$5,000 subsistence allowance annually provided to the Chief Judge of the Court of Appeals and to the Chief Justice of the Supreme Court.

- (3) If a bill that increases judicial salaries for circuit, superior, municipal, county, and probate courts also eliminates the discretionary \$5,000 maximum county supplement payable to these judges, the state paid salary of circuit, superior, municipal, county, and probate court judges should be \$110,000.

Reaffirmation of 1999 Recommendations

Findings: The Commission finds a continuing need for several recommendations made by the Commission on Courts in 1999 and not adopted by the General Assembly in the 2000 Session.

Recommendations: The Commission reaffirms its support for the following proposals:

Conversion of County Paid Juvenile Referees to State Paid Magistrates

Findings and Recommendations: The Commission recommends that juvenile referees in Allen County, Elkhart County, Johnson County, Lake County, Marion County, Porter County, St. Joseph County, Vanderburgh County, and Vigo County become full-time magistrates adopted and payable in conformity with

Public Availability of Jury Lists

Findings and Recommendations: The Commission recommends the preparation of legislation that would give a judge in Lake County or a county that adopts the alternative jury selection procedures added by P.L. 4-1998 the option of making a jury list confidential if the judge believes that public disclosure would endanger the safety of potential or selected jurors or lead to jury tampering.

Staggering of Terms of Office in Porter County

Findings: The Commission makes the following findings:

(1) The terms for judges in Porter County expire as follows:

<u>Term Expiration</u>	<u>Location</u>	<u>Court</u>
12/31/00	Valparaiso	Superior Ct. No. 2
12/31/02	Valparaiso	Superior Ct. No. 1
12/31/02	Valparaiso	Superior Ct. No. 4
12/31/02	Valparaiso	Circuit Court Rm. 5
12/31/04	Portage	Superior Ct. No. 3
12/31/00	Portage	Superior Ct. No. 6

(2) The terms for three of the four judges located in Valparaiso expire on December 31, 2002.

(3) Continuity in the courts would be served by staggering the terms so that only two judges in Porter County are up for election in the same year.

Recommendations: The Commission recommends to the General Assembly that the terms in Porter County be staggered so that two judges would be elected every two years. The recommendation is made without suggesting which judicial terms are to be lengthened or shortened.

WITNESS LIST

Sen. William Alexa
Indiana Senate

Rep. Ralph Ayres
Indiana House of
Representatives

Jeffrey Bercovitz
Probation/Juvenile Director
Indiana Judicial Center

Sen. Anita Bowser
Indiana Senate

Matt Brase
Indiana Association of Cities and
Towns

Rep. Jim Buck
Indiana House of
Representatives

Judge Paul Cherry
DeKalb Circuit Court

Judge Joe Christle
Wabash City Court

Judge Mary Lee Comer
Hendricks Superior Court No. 1
President
Indiana Judges Association

Sen. Beverly Gard
Indiana Senate

Nancy Gettinger
Director of GAL/CASA
Division of State Court
Administration
Supreme Court

Judge Patricia J. Gifford
Presiding Judge
Marion Superior Court

Judge Richard Good
Marion Superior Court

Mark Goodpaster
Fiscal Analyst
Legislative Services Agency

Judge H. Terrill Harvey
Henry Superior Court No. 2

Rep. Ron Herrell
Indiana House of
Representatives

Bettye Lou Jerrel
Vanderburgh County
Commissioner

Lilia Judson
Executive Director
Division of State Court
Administration
Supreme Court

Stephen Key
Hoosier State Press Association

Marv Kornblith
Citizen of Porter County

Judge C.J. MacGregor
Goshen City Court

Bill Midges
Howard County Bar Association

Jim Martin
President
Howard County Bar Association

Judge Paul Mathias
Indiana Court of Appeals

Sen. Charles Meeks
Indiana Senate

Judge Donald Phillippi
Anderson City Judge

Judge Lonnie Randolph
East Chicago City Court

Judge Kenneth R.
Scheibenberger
Allen Superior Court

Judge Tom Stefaniak
Hammond City Court

Judge Paul Sterreth
 Mooresville Town Court

Justice Frank Sullivan
Indiana Supreme Court

Judge Linda Wolf
Muncie City Court

Travis D. Worl
Association of Indiana Counties

Judge Kevin Wallace
DeKalb Superior Court

Judge Gerald Zore
Marion Superior Court